

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 20-1376V
UNPUBLISHED

N.L.,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: April 20, 2022

Special Processing Unit (SPU);
Damages Decision based on Proffer;
Human Papillomavirus (HPV);
Vasovagal Syncope.

Miriam A. Johnson, Berman & Simmons, P.A., Lewiston, ME, for Petitioner.

Emily H. Manoso, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On October 13, 2020, N.L. (“Petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleged she suffered a syncopal episode as a result of a human papillomavirus (“HPV”) vaccine administered on September 14, 2018. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 12, 2021, a ruling on entitlement was issued, finding Petitioner entitled to compensation. On April 19, 2022, Respondent filed a proffer on an award of compensation (“Proffer”). In the Proffer, Respondent represented that Petitioner agrees with the proffered award. Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Pursuant to the terms stated in the attached Proffer, I award Petitioner a lump sum payment of \$70,700.60 (representing \$70,000.00 for pain and suffering, and \$700.60 for past unreimbursed expenses) in the form of a check payable to Petitioner. This amount represents compensation for all damages that would be available under Section 15(a).

The Clerk of Court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran

Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

N.L.,

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SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 20-1376V
Chief Special Master Corcoran
ECF

RESPONDENT'S PROFFER ON AWARD OF COMPENSATION

On October 13, 2020, N.L. (“petitioner”) filed a Petition for Compensation (“petition”) under the National Childhood Vaccine Injury Act of 1986, as amended (“the Vaccine Act” or “the Act”). 42 U.S.C. §§ 300aa-1 to -34. Petitioner alleges that she suffered “injuries, including syncope,” upon receiving a human papillomavirus (“HPV”) vaccination on September 14, 2018. *See* Petition at 1. On April 9, 2021, the Secretary of Health and Human Services (“respondent”) filed a Rule 4(c) Report concluding that petitioner suffered vasovagal syncope following HPV vaccination within the timeframe set forth in the Vaccine Injury Table. ECF No. 17. Accordingly, on April 12, 2021, the Chief Special Master issued a Ruling on Entitlement finding petitioner entitled to compensation. ECF No. 18.

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded a lump sum of **\$70,700.60**, for all damages, including \$70,000.00 representative of pain and suffering, and \$700.60 representative of past unreimbursable expenses related to her vaccine-

related injury. This amount represents all elements of compensation to which petitioner is entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

II. Form of the Award

Petitioner is a competent adult. Evidence of guardianship is not required in this case. Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment as described below and requests that the Chief Special Master's decision and the Court's judgment award the following¹: a lump sum payment of \$70,760.60, representing compensation for all elements of economic and noneconomic damages, in the form of a check payable to petitioner, N.L.

III. Summary of Recommended Payments Following Judgment

Lump sum payable to petitioner, N.L.:	\$70,700.60
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Respectfully submitted,

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Principal Deputy Assistant Attorney General

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Acting Director
Torts Branch, Civil Division

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Deputy Director
Torts Branch, Civil Division

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¹ Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future lost earnings and future pain and suffering.

/s/ Emily H. Manoso
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Dated: April 19, 2022